

(Chap. XVII.—Bye-laws. Sec. 470. Chap. XVIII.—Penalties. Sec. 471.)

inspection
and not to
be injured.

Govern-
ment may
repeal bye-
laws.

(2) No person shall, without lawful authority, destroy, pull down, injure or deface any such board.

470. (1) If it shall at any time appear to the Governor in Council that any bye-law should be repealed either wholly or in part, he shall cause his reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any representation with

- regard thereto which they shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Governor in Council may at any time, by notification in the Bombay Government Gazette, repeal such bye-law either wholly or in part: Provided that no bye-law shall be repealed by the Governor in Council in part only; if, within the period aforesaid, the corporation have objected to a partial repeal thereof.

(3) The repeal of a bye-law under sub-section (2) shall take effect from such date as the Governor in Council shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the Bombay Government Gazette, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in the local newspapers.

CHAPTER XVIII.

PENALTIES.

Certain
offences
punishable
with fine.

471. Whoever contravenes any provision of any of the sections, sub-sections and clauses of this Act herein below in this section mentioned or of any regulation made thereunder, or fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be punished, for each such offence, with fine which may extend to the amount hereinbelow in this section specified as the maximum amount of fine to be inflicted in respect of offences against the said sections, sub-sections and clauses, respectively, namely :—

Sections.	Maximum amount of fine that may be inflicted.
349, 368, 371, 385, sub-section (1), 388, clauses (e), (f) and (g), 408, sub-section (2), 469, sub-section (2)	Ten rupees.

Sections.	Maximum amount of fine that may be inflicted.
270, sub-section (2), 280, 311, 316, sub-section (1), 327, sub-section (2), 328, 356, 357, 358, 370, 394, sub-section (2), 397, sub-section (1)	Twenty rupees.
149, 150, 152, 188, 226, sub-section (2), 231, 232, 233, clause (b), 236, 243, sub-section (2), 248, sub-section (1), 250, sub-section (1), 251, 257, sub-section (1), 269, sub-section (3), 274, 278, sub-section (2), 319, sub-section (2), 321, sub-section (2), 322, sub-section (2), 323, 324, sub-section (1), 326, 329, sub-section (1), 334, sub-section (1), 372, 375, 377, 380, 381, 383, sub-section (1), 384, sub-section (1), 393, sub-section (1), 401, sub-section (1), 403, clause (a), 404, 406, 410, sub-section (1), 428,[*] sub-section (1), 457, sub-sections (1) and (3), 469, sub-section (1), 479, sub-section (5)	Fifty rupees.
136, sub-section (2), 138, 223, sub-section (1), 229, 235, 258, 268, sub-section (1), 275, 281, 282, 283, sub-section (1), 284, 305, 312, sub-section (1), 313, sub-section (1), 315, 331, 335, sub-section (1), 411, 412, sub-section (1), 421, 424, sub-section (2), 425, sub-section (1), 427, sub-sections (2) and (3), 435, 441, 446, sub-section (1), 447, 449, 450, sub-section (1), 459	One hundred rupees.
240, 241, 247, 249, 273, 308, sub-sections (1) and (2); 309, sub-section (1), 325, 379, sub-sections (1) and (3), 392, sub-section (1), 403, sub-section (1), 405, 423, sub-section (2), 458, 507, sub-section (3)	Two hundred rupees.
234, 304, sub-section (1), 354, 378, sub-section (2), 382, 394, sub-section (1), 430, 431, 432, sub-section (1), 433, sub-section (1), 437, 440, sub-section (1)	Five hundred rupees.
333, sub-sections (1), (2) and (3), 347, sub-section (1), 353, 390, sub-section (1), 395, sub-section (1), 402, sub-section (1)	One thousand rupees.

472. Whoever, after having been convicted of contravening any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned, or of any regulation made thereunder, or of failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, continues to contravene the said provision or to neglect to comply with the said requisition, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount hereinbelow in this section specified as the maximum

Continuing
offences to
be punished
after a first
conviction
with a daily
fine.

[*] The figures 428 were substituted for the original figures by Act XVI of 1895.

amount of daily fine to be inflicted in respect of offences against the said sections, sub-sections and clauses, respectively, namely :—

Sections.	Maximum amount of daily fine that may be inflicted.
226, sub-section (2), 231, 232, 233, clause (b), 236, 243, sub-section (2), 248, sub-section (1), 250, sub-section (1), 251, 257, sub-section (1), 329, sub-section (1), 349, 375, 377, 380, 381, 383, sub-section (1), 384, sub-section (1), 394, sub-section (2), 397, sub-section (1).	Five rupees.
223, sub-section (1), 229, 268, sub-section (1), 305, 312, sub-section (1), 313, sub-section (1), 315, 324, sub-section (1), 334, sub-section (1), 335, sub-section (1), 372, clause (f), 411, 425, sub-section (1), 479, sub-section (5)	Ten rupees.
249, 326, 379, sub-sections (1) and (3)	Twenty rupees.
322, sub-section (1), 323, 394, sub-section (1), 403, sub-section (1), 405, 507, sub-section (3)	Fifty rupees.
354, 382, 392, sub-section (1)	One hundred rupees.
395, sub-section (1)	Five hundred rupees.

Offences
punishable
under the
Penal Code.

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned, or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code [a] hereinbelow in this section respectively specified as XLV of 1860. the section of the said code under which such person shall be punishable, namely :—

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
28, clause (j)	177.
155, sub-sections (1) and (2), 187	176 or 177, as the case may be.
388, clauses (a), (b), (c), and (d), 389	277.
434, sub-section (1)	188.

Punishment
for acquiring
share or
interest in

474. Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corpora-

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

tion, not being a share or interest such as, under section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under clauses (h) and (k) of section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made <sup>contract,
etc., with
the corpora-
tion.</sup> XLV of 1860. punishable by section 168 of the Indian Penal Code [a].

475. (1) Whoever contravenes any provision of sub-section (1) of section 267 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both. Punishment
of offences
against
section 267.

(2) When any person is convicted under sub-section (1), the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of the land in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

476. Whoever contravenes any provision of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction. Punishment
of offences
against
section 391.

477. No person, who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (m) of section 3, shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required. Extent of
penal
responsibility
of agents
and trustees
of owners.

478. The law for the time being in force for the punishment of offences relating to the levy or payment of customs-duties and the grant of drawbacks Punishment
of offences
relating to
town-duties.

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of town-duties, and any omission or mis-description in passing for export any goods in respect of which refund of town-duties may be claimable shall be punishable as if such omission or mis-description had been made in passing the said goods for import.

CHAPTER XIX.

PROCEDURE.

Licenses.

Licenses
and written
permissions
to specify
conditions,
etc., on
which they
are granted.

Fees to be
chargeable.

Licenses
and written
permissions
may be
revoked, etc.

When
license or
written
permission
is revoked,
etc., grantee
to be deemed
to be without
a license or
written per-
mission.

Grantee to
be bound
to produce
license or
written per-
mission.

479. (1) Whenever it is provided in this Act that a license or a written permission may be given for any purpose, such license or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same.

(2) For every such license or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation.

(3) Subject to the provisions of clause (d) of section 403, any license or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or bye-law made hereunder in any matter to which such license or permission relates.

(4) When any such license or written permission is suspended or revoked or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a license or written permission, until the Commissioner's order for suspending or revoking the license or written permission is cancelled by him, or until the license or written permission is renewed, as the case may be.

(5) Every person to whom any such license or written permission has been granted shall at all reasonable times, while such written permission or license remains in force, if so required by the Commissioner, produce such license or written permission.